

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

ELAINE R. SMITH,
Guardian, for Thomas K. Irwin,
a Protected Person,

Plaintiff,

Case No. 3:23-cv-365

vs.

MIAMI VALLEY HOSPITAL, *et al.*,

Defendants.

District Judge Michael J. Newman
Magistrate Judge Peter B. Silvain, Jr,

ORDER: (1) ACCEPTING PLAINTIFF AND DEFENDANT UNITED STATES OF AMERICA’S (“THE GOVERNMENT”) STIPULATION OF VOLUNTARY DISMISSAL WITH PREJUDICE OF ALL CLAIMS AGAINST THE GOVERNMENT (Doc. No. 26); (2) DISMISSING WITH PREJUDICE PLAINTIFF’S CLAIMS AGAINST THE GOVERNMENT; (3) TERMINATING AS MOOT THE GOVERNMENT’S MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT (Doc. No. 24); AND (4) NOTING THE CASE OTHERWISE REMAINS PENDING ON THE COURT’S DOCKET

Upon review of the record, the Court (1) **ACCEPTS** Plaintiff and the Government’s stipulation of voluntary dismissal with prejudice of all claims against the Government (Doc. No. 26); (2) **DISMISSES WITH PREJUDICE** all of Plaintiff’s claims against the Government; (3) **TERMINATES** as moot the Government’s motion to dismiss or, in the alternative, for summary judgment (Doc. No. 24); and (4) **NOTES** the case otherwise remains pending on the Court’s docket.

IT IS SO ORDERED.

June 7, 2024

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge